Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA and STATES OF TENNESSEE, CALIFORNIA and FLORIDA *ex rel.* ROBERT A. FRY,	)	
	)	**No. 3-03-0842**
Plaintiff-Relator,	)	**Judge Trauger**
	)	
v.	)	
	)	
GUIDANT CORPORATION, its predecessor Cardiac Pacemakers, Inc., a division of Eli Lilly and Company, and unknown entities and individuals,	)	
	)	
Defendants.	)	

RELATOR'S FIRST SET OF INTERROGATORIES TO DEFENDANT GUIDANT CORPORATION

Pursuant to Federal Rule of Civil Procedure 33, Plaintiff-Relator Robert A. Fry ("Fry"), through counsel, hereby requests that Defendant Guidant Corporation respond to the following interrogatories within 30 days after their service.

DEFINITIONS AND INSTRUCTIONS

A. The terms "Defendant," "Guidant" "you" or "your" mean Guidant Corporation, its predecessors (including but not limited to Cardiac Pacemakers, Inc., a division of Eli Lily and Company) and its officers, directors, agents, including sales agents and manufacturer's representatives (hereinafter "sales agents"), employees, and its subsidiaries and successors.

B. The term "Relator" means Relator Robert Fry.

C. The word "person(s)" means all individuals and entities, and includes without limiting the generality of the foregoing, all natural persons, sole proprietorships, partnerships, limited partnerships, associations, companies, corporations, joint ventures, trusts and estates, governments (including all instrumentalities, officers, agents, and subdivisions thereof), funds, and all other business, legal or artificial entities.

D. The word "health care provider" means hospitals, clinics or other entities providing inpatient or outpatient hospital or operating room services related to the implant or explant of Devices.

E. The word "Devices" includes all of the following Guidant items: single and dual chamber pacemakers, defibrillators, cardiac resynchronization therapy defibrillators, cardiac resynchronization therapy pacemakers, and all leads, including but not limited to ICD leads, left ventricular leads, right ventricular leads, and coronary sinus leads.

F. The term "credit" means a reduction in the cost of the Device or a refund of a part of the payment for a Device, whether extended to the health care provider or the patient.

G. The word "Complaint" means the Second Amended Complaint or any subsequently filed complaint in the above-captioned action.

H. The word "identify" when used with respect to a person or persons means:

a. To state the name, last known address(es) and telephone number(s) of each such person;
b. To state the name of the present employer, place of employment or business, and job title of such person; and
c. If such person was affiliated by employment or otherwise, at any time with or related in any manner to, any party to this litigation, to state the nature and dates of such affiliation.

I. Unless otherwise indicated, all interrogatory requests cover the entire time period from September 11, 1993 through the day of your response to these requests, hereinafter the "Relevant Period." The response to each request shall include all documents relating to the Relevant Period whether prepared before, during or after the Relevant Period.

J. In the event you choose to respond to an interrogatory by producing electronically stored information from its ISIS or similar system pursuant to Rule 33(d), you are obligated to do so in a manner that permits Plaintiffs to locate and identify the requested information as readily as Defendant is able to do so.

K. You are under a duty to supplement your answers seasonably with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity and location of persons expected to be called as expert witnesses at trial and the subject matter on which they are expected to testify, and to correct any response which you know or later learn is not correct. If subsequent to complying with this request, Defendant obtains, or becomes aware of, any additional responsive information, or determines that its answer was in any way incomplete or inaccurate, then supplementation is required pursuant to Federal Rule of Civil Procedure 26(e)(2).

L. Wherever your response to an interrogatory includes an objection on the basis of privilege and/or work product, supply sufficient detail regarding the information which is being withheld so that the claim of privilege or work product can be assessed.

M. All information is to be divulged that is in the possession or control of the Defendant, as well as its attorneys, investigators, agents, employees, or other representatives.

INTERROGATORIES

1. Identify all Guidant personnel with responsibility for sales of Devices during the Relevant Period including but not limited to sales agents, sales support staff, sales supervisors, district supervisors and managers, and for each such person, his or her dates of employment.

2. Identify all personnel in Customer Service Departments (both in Minnesota and at the regional level) who received purchase order information regarding implanted or explanted Devices during the Relevant Period.

3. Identify each head of the Returned Products Department during the Relevant Period.

4. Identify the entity financially responsible for (a) warranties, (b) upgrade credits, (c) recalls, (d) competitive replacement, and/or (e) Cardiassure credits for Guidant Devices during the Relevant Period. If that entity is not the Defendant, explain the corporate or contractual relationship between that entity and the Defendant and identify any documentation of that corporate or contractual relationship.

5. Identify who was responsible for deciding whether and/or in what amount to offer the warranties, warranty credits, upgrade credits, recall, competitive replacement and/or Cardiassure credits for Guidant Devices during the Relevant Period.

6. Describe the procedure followed by Defendant for (a) warranty, credit and/or recall documentation and (b) communication of warranty, credit, Cardiassure and/or recall information from sales cycle to billing cycle during the Relevant Period.

7. Identify all Guidant personnel responsible for tracking and/or arranging for the payment or account crediting of amounts for credits, warranties or recalls on Guidant Devices during the Relevant Period.

8. With regard to each procedure in which a Guidant Device was either implanted or explanted during the Relevant Period, state/identify:

- the date of the procedure
- the model and serial number of the Guidant Device implanted
- the model and serial number of the Guidant or other manufacturer's Device explanted and the date the explanted device was initially implanted
- the reason for the replacement of the explanted device
- the name, Social Security Number, date of birth, and address of the patient
- the implanting/explanting physician
- the sales agent for the procedure
- the health care provider
- the amount of any credit given for warranty, upgrade, competitive replacement, Cardiassure and/or recall and the person to whom the credit was extended or paid and the date credit was given
- the amount paid to Guidant for each Device and the commission paid to sales agents on each sale, including in your response any later adjustment to that commission
- each explanted Device which was within applicable warranty and each explanted Device which was a recall
- each implanted Device which was an upgrade and each implanted Device which was in the Cardiassure or competitive replacement program
- each payment to a health care provider for a replacement device implanted after the explant of a recalled device

9. Identify all documents (including but not limited to reports, spread sheets and individual account entries) that refer or relate to payment or account crediting of amounts for credits, warranties or recalls on Guidant Devices during the Relevant Period.

10. Identify each Guidant sales agent who has been responsible for as many as ten implants or explants for which warranty, product replacement, competitive replacement, upgrade, Cardiassure or recall credits (a) were available and (b) have been given.

11. Identify all Guidant personnel responsible for determining the estimated expenses related to warranty, upgrade, recall or credit expenses for Guidant Devices for the Defendant's annual financial statements during the Relevant Period.

12. Describe the formula used for generating Guidant's estimated expenses related to product warranties for Devices each operating year during the Relevant Period.

13. Identify each and every person other than legal counsel that you believe possesses knowledge or information regarding the factual allegations and/or legal claims described in the Complaint filed in this action and the Answer thereto of the Defendant.

14. For each year beginning 1985 to date, state the total purchase price collected by Guidant for Devices which were covered by available warranty credits (devices replaced within warranty), upgrade credits, credits under the Cardiassure program, and/or recalled devices.

This 2th day of February, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by United States mail, electronic delivery, and/or other proper means of service, on the following addressees:

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This 2th day of February, 2007.

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